

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

OSCAR DAVID CORTEZ UZEDA,

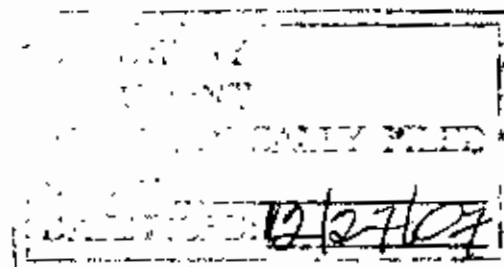
Plaintiff,

- against -

FONDO FINANCIERO PARA EL DESARROLLO DE  
LA CUENCA DEL PLATA  
A/K/A FONPLATA,

Defendant.

Case Number: 1:07-cv-07965-NRB



**CONSENT ORDER AND JUDGMENT**

Pending before the Court is the Parties' "Joint Letter Requesting the Court Enter the Parties' Consent Judgment" (the "Joint Letter"), including Exhibits 1 and 2 to the Joint Letter. The Parties' Joint Letter arises out of the Settlement Agreement that has been executed between the Parties in the above-captioned action (the "Action"). The Parties have hereby agreed, and the Court has not found to the contrary, as follows:

1. Fondo Financiero Para el Desarrollo de la Cuenca del Plata ("FONPLATA") is an "agency or instrumentality of a foreign state" under the Foreign Sovereign Immunities Act (28 U.S.C. §§ 1602 *et seq.*) (the "FSIA"), and no exception to the FSIA's general grant of immunity from jurisdiction or attachment of FONPLATA's assets is present;
2. FONPLATA is immune from the jurisdiction of the United States courts under the FSIA and 28 U.S.C. § 1604 in particular;
3. The New York State Court's Order to Show Cause that was entered on September 4, 2007, including the related *ex parte* prejudgment order of attachment for \$360,288 that was entered on or about August 20, 2007 by the Supreme Court of the State of New York

(the "Prejudgment Order of Attachment"), was improvidently granted because

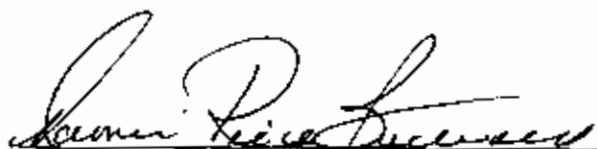
FONPLATA is an agency or instrumentality of a foreign state under section 1603(b) of the FSIA and FONPLATA is therefore immune from prejudgment attachment of United States courts pursuant to 28 U.S.C. § 1609; and

4. the Prejudgment Order of Attachment, plus any interest that has accrued during the attachment, should be immediately released and returned to FONPLATA.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Plaintiff's Complaint in this Action is DISMISSED with prejudice;
2. The Prejudgment Order of Attachment is hereby VACATED with prejudice; and
3. The clerk of the court is authorized and directed to ENTER this order, DISMISS this Action with prejudice, VACATE the Prejudgment Order of Attachment, and immediately release and return that money, plus any interest that has accrued during the attachment, to FONPLATA's bank account.

DATED: December 27, 2007



Hon. Naomi Reice Buchwald  
United States District Judge  
United States District Court